

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1899, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, line 23, delete "(b)(2)" and insert "**(a)(2)**".
- 2 Page 3, line 23, delete "(b)(3)" and insert "**(a)(3)**".
- 3 Page 3, line 28, delete "or".
- 4 Page 3, line 30, delete "." and insert "**; or**".
- 5 Page 3, between lines 30 and 31, begin a new line block indented
- 6 and insert:
- 7 **"(4) is charged with a crime of violence (as defined in**
- 8 **IC 35-50-1-2)".**
- 9 Page 4, line 33, delete "." and insert "**, and except as provided in**
- 10 **subsection (b), declare the cash or securities deposited and the**
- 11 **remainder of the bail forfeited. Judgment on the cash or securities**
- 12 **and the remainder of the bail shall be ordered by the court and**
- 13 **entered by the clerk not sooner than one hundred twenty (120)**
- 14 **days after the day the defendant fails to appear if the defendant**
- 15 **does not appear during the one hundred twenty (120) day period.**
- 16 **The clerk shall provide notice of the judgment to the defendant and**

1 other depositors of the cash or securities by mail not later than
 2 forty-five (45) days after judgment is entered by the court. The
 3 cash or securities on deposit and any funds recovered shall be
 4 deposited in the county general fund."

5 Page 4, line 35, after "or" insert "an".

6 Page 4, line 38, strike "funds" and insert "cash or securities".

7 Page 4, line 39, after "chapter" insert "and the remainder of the
 8 collected or uncollected bail amount".

9 Page 4, line 40, after "order the" insert "cash or securities".

10 Page 4, line 40, strike "funds" and insert "and the remaining
 11 amount of the bail".

12 Page 4, line 42, strike "deposit" and insert "cash or securities
 13 deposited".

14 Page 4, line 42, strike "bond" and insert "the remaining amount of
 15 the bail".

16 Page 5, line 1, strike "deposit" and insert "cash or securities
 17 deposited and the remaining amount of the bail".

18 Page 5, line 3, strike "deposit," and insert "cash or securities
 19 deposited,".

20 Page 5, line 3, strike "bond" and insert "remaining amount of the
 21 bail".

22 Page 5, line 5, strike "bond," and insert "bail,".

23 Page 5, line 8, strike "a bond has" and insert "the cash or securities
 24 deposited and the remaining amount of the bail have".

25 Page 5, line 8, after "forfeited" insert "and judgment entered".

26 Page 5, line 8, after "subsection" insert "(a) or".

27 Page 5, line 8, after "clerk" insert ", not later than forty-five (45)
 28 days after the bond has been forfeited,".

29 Page 5, line 9, delete "." and insert "and record the judgment.".

30 Page 5, line 11, after "appear" delete "," and insert "within the one
 31 hundred twenty (120) day period under subsection (a),".

32 Page 5, line 11, strike "shall immediately enter" and insert "may
 33 vacate the".

34 Page 5, line 11, after "judgment" delete "," and insert "the day after
 35 the one hundred twenty (120) day period expires".

36 Page 5, line 12, after "defendant" insert "or any other depositor or
 37 guarantor".

38 Page 5, line 13, delete "bail bond," and insert "bail, bond,".

- 1 Page 5, line 15, strike "a bond is" and insert **"the cash or securities**
- 2 **deposited and the remaining amount of the bail are"**.
- 3 Page 5, line 16, strike "state common school" and insert **"county**
- 4 **general"**.
- 5 Page 5, line 17, after "(less the" insert **"administrative"**.
- 6 Page 5, line 19, after "amount" insert **"of the remaining bail**
- 7 **amount"**.
- 8 Page 5, line 26, strike "3.2(a)" and insert **"3.2(a)(1)"**.
- 9 Page 5, line 27, strike "knowingly and intentionally".
- 10 Page 5, line 28, delete ":".
- 11 Page 5, line 29, strike "(1)".
- 12 Page 5, run in lines 28 through 29.
- 13 Page 5, line 29, delete ";" and insert **"and, except as provided in**
- 14 **subsection (b), declare the bail bond forfeited. If the defendant was**
- 15 **admitted to bail under section 3.2(a)(1)(B) or 3.2(a)(1)(C) of this**
- 16 **chapter, judgment on the bail bond may be withheld for one**
- 17 **hundred twenty (120) days. If the defendant was admitted to bail**
- 18 **under section 3.2(a)(1)(A) of this chapter, judgment must be in**
- 19 **accordance with IC 27-10-2-12. If the bail bond has been forfeited**
- 20 **and judgment has been entered under subsection (c), the court:"**.
- 21 Page 5, line 30, strike "(2)" and insert **"(1)"**.
- 22 Page 5, line 31, strike "(3)" and insert **"(2)"**.
- 23 Page 5, line 36, strike "bond" and insert **"bail"**.
- 24 Page 5, line 38, after "or" insert **"an"**.
- 25 Page 5, line 41, after "section" insert **"3.2(a)(1)(B),"**.
- 26 Page 5, line 41, after "3.2(a)(2)" insert **", "**.
- 27 Page 6, after line 6, begin a new paragraph and insert:
- 28 **"(c) After a bond has been forfeited under subsection (a) or (b),**
- 29 **the clerk shall mail notice of forfeiture to the defendant. In**
- 30 **addition, unless the court finds that there was justification for the**
- 31 **defendant's failure to appear within the one hundred twenty (120)**
- 32 **day period after the date the notice was mailed, the court shall**
- 33 **enter judgment and mail notice after the one hundred twenty (120)**
- 34 **day period expires, without pleadings and without change of the**
- 35 **judge or change of venue, against the defendant for the amount of**
- 36 **the bail, and the clerk shall record the judgment.**
- 37 **(d) If a bond is forfeited and the court has entered judgment**
- 38 **under subsection (c), the clerk shall transfer to the county general**

1 **fund any amount:**
2 **(1) remaining on deposit with the court; and**
3 **(2) collected in satisfaction of the judgment.**
4 **(e) If a defendant appeared at trial and other critical stages of**
5 **the legal proceedings, the court shall order the clerk to:**
6 **(1) return any deposit made; or**
7 **(2) release any real estate used to secure the defendant's bail;**
8 **under section 3.2(a)(1) of this chapter to the defendant or another**
9 **person, if the person made the deposit or owns the real estate, not**
10 **more than forty-five (45) days after the date of the disposition of**
11 **the charges against the defendant."**
 (Reference is to HB 1899 as introduced.)

and when so amended that said bill do pass.

Representative Weinzapfel